

1 DAYLE ELIESON
United States Attorney
2 CRISTINA D. SILVA
Assistant United States Attorney
3 Nevada Bar No. 13760
501 Las Vegas Blvd. South, Suite 1100
4 Las Vegas, Nevada 89101
PHONE: (702) 388-6336
5 FAX: (702) 388-5087
6 cristina.silva@usdoj.gov

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

10 Plaintiff,

Stipulation to Continue the
Preliminary Hearing
(Fourth Request)

11 vs.

12 BOBBY THOMPSON and
13 RANDY HUMPHREY,

14 Defendants.

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16 IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE
17 ELIESON, United States Attorney, and CRISTINA D. SILVA, Assistant United States
18 Attorney, counsel for the United States of America, and Nicholas Wooldridge, Esq.,
19 counsel for Defendant BOBBY THOMPSON, and Dennis Matthew Lay, Esq., counsel for
20 defendant RANDY HUMPHREY, that the preliminary hearing date in the above-
21 captioned matter, currently scheduled for March 19, 2018, at 4:00 p.m., be vacated and
22 continued for forty-five (45) days, to a date and time to be set by this Honorable Court.

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1 This stipulation is entered into for the following reasons:

2 1. Defendant Humphrey has entered into a formal plea agreement with the
3 United States. Additional time is needed to file the plea agreement and schedule the
4 change of plea.

5 2. Defendant Thompson has been presented a written, formal plea agreement.
6 Counsel for Defendant Thompson anticipates resolving the case pre-indictment,
7 however, the Defendant and his counsel need additional time to review the plea
8 agreement and its potential implications.

9 3. All parties agree to the continuance.

10 4. The defendants are currently detained pending trial but do not object to a
11 continuance.

12 5. Denial of this request for continuance could result in a miscarriage of
13 justice.

14 6. The additional time requested herein is not sought for purposes of delay,
15 but to allow for Defendant Humphrey to enter his change of plea, and Defendnat
16 Thompson to potentially resolve the case pre-indictment.

17 7. The additional time requested by this stipulation, is allowed, with the
18 defendants' consent under the Federal Rules of Procedure 5.1(d).

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
-oOo-**

UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

Plaintiff,

vs.

ORDER

BOBBY THOMPSON and
RANDY HUMPHREY,

Defendants.

Based on the pending Stipulation of counsel, and good cause appearing
therefore, the Court finds that:

1. Defendant Humphrey has entered into a formal plea agreement with the
United States. Additional time is needed to file the plea agreement and schedule the
change of plea.

2. Defendant Thompson has been presented a written, formal plea agreement.
Counsel for Defendant Thompson anticipates resolving the case pre-indictment,
however, the Defendant and his counsel need additional time to review the plea
agreement and its potential implications.

3. All parties agree to the continuance.

4. The defendants are currently detained pending trial but do not object to a
continuance.

5. Denial of this request for continuance could result in a miscarriage of
justice.

6. The additional time requested herein is not sought for purposes of delay,

1 but to allow for Defendant Humphrey to enter his change of plea, and Defendant
2 Thompson to potentially resolve the case pre-indictment.

3 7. The additional time requested by this stipulation, is allowed, with the
4 defendants' consent under the Federal Rules of Procedure 5.1(d).

5 8. This is the fourth request for a continuation of the preliminary hearing for
6 both Defendants.

7 For all of the above-stated reasons, the ends of justice would best be served by a
8 continuance of the preliminary hearing date.

9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best interest
11 of the public and the defendants, since the failure to grant said continuance would be
12 likely to result in a miscarriage of justice, would deny Defendant Humphrey and
13 opportunity to plea guilty to the pre-indictment plea offer, for Defendant Thompson to
14 potentially resolve the case pre-indictment, and if the case is not resolved pre-
15 indictment, it further would deny the parties sufficient time and the opportunity within
16 which to be able to effectively and thoroughly prepare for the preliminary hearing,
17 taking into account the exercise of due diligence.

18 The continuance sought herein is allowed, with the defendants' consent, pursuant
19 to Federal Rules of Procedure 5.1(d).

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1 **ORDER**

2 IT IS THEREFORE ORDERED that the preliminary hearing currently
3 scheduled for March 19, 2018, at the hour of 4:00 p.m., be vacated and continued
4 to May 4, 2018, at the hour of 4:00 p.m.

5 IT IS FURTHER ORDERED that no further extensions will be allowed.

6 DATED this 20th day of March, 2018.

7 
8 THE HONORABLE PEGGY A. LEEN
9 UNITED STATES MAGISTRATE JUDGE
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